



Federal Communications Commission
Washington, D.C. 20554
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DA 20-901

SMALL ENTITY COMPLIANCE GUIDE

Amendment of Part 11 of the Commission's Rules
Regarding the Emergency Alert System
FCC 19-57
EB Docket No. 04-296
PS Docket No. 15-94
Released June 27, 2019

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the revised rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking dockets. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decisions regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation. The FCC will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or it may clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

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I. OBJECTIVES OF THE PROCEEDING

In the Order on Reconsideration (*Order*) in EB Docket No. 04-296 and PS Docket No. 15-94, the Commission revised the Emergency Alert System (EAS) testing requirements that apply to Satellite Digital Audio Radio Service (SDARS) providers to harmonize them with the EAS testing requirements that apply to Direct Broadcast Satellite (DBS) providers. The harmonizing of the SDARS testing requirements with the DBS testing requirements significantly reduces the economic impact to SDARS providers associated with meeting the testing requirements. Further, not having to transmit the EAS header codes and End of Message (EOM) code on all channels randomly once per week relieves the SDARS provider from having to coordinate and administer such testing.

II. COMPLIANCE REQUIREMENTS

The *Order* makes the EAS monthly and weekly testing requirements that apply to DBS providers equally applicable to SDARS providers.

Monthly Testing Requirements (47 CFR § 11.61(a)(1)(iii))

- The amended rule requires SDARS providers to monitor a state or local primary source to participate in required monthly testing. Tests should be performed on 10% of all channels monthly, varying the channels tested from month to month, so that over the course of a given year, 100% of all channels are tested.

Weekly Testing Requirements (47 CFR § 11.61(a)(2)(ii))

- Under the amended rule, SDARS providers are not required to transmit the weekly test (i.e., EAS header codes and EOM code) but are required to log receipt of the weekly test (following the logging requirements in sections 11.35(a) and 11.54(a)(3) of the EAS rules, 47 CFR § 11.35(a) and 47 CFR § 11.54(a)(3)).

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The *Order* contains new information collection requirements associated with required weekly testing. Specifically, the amended rule requires SDARS providers to log receipt of the weekly test.

IV. IMPLEMENTATION DATE

The rule modifications in the *Order* became June 19, 2020.

V. INTERNET LINKS

A copy of the *Order* is available at:

<https://docs.fcc.gov/public/attachments/FCC-19-57A1.pdf>.

A copy of the Federal Register Summary of the *Order* is available at:

<https://www.govinfo.gov/content/pkg/FR-2020-05-20/pdf/2020-08250.pdf>.

The EAS rules are available at:

https://www.ecfr.gov/cgi-bin/text-idx?SID=1869975db8c012925a0cea5cc7215e17&mc=true&node=se47.1.11_161&rgn=div8.